

Update: Commonwealth Issues Final Housing Choice Guidelines

On August 10, 2022, the Executive Office of Housing & Economic Development (“EOHED”) and Department of Housing and Community Development (“DHCD”) issued [final guidelines](#) for cities and towns to implement Section 3A of the Zoning Act (“Section 3A”) as required under the Governor’s Housing Choice legislation. DHCD had promulgated draft guidelines for public comment on December 15, 2021. You can read more about the draft guidelines [here](#).

In general, the Housing Choice legislation and DHCD guidelines aim to increase the overall capacity of multi-family housing units with close access to public transit. Although DHCD makes clear that this is not a mandate to build any specific number of units, its goal is to pave the way for more families to take advantage of local and regional public transit in Eastern Massachusetts.

Based on feedback received during the public comment period, DHCD implemented the following major changes in its final guidelines, all of which are outlined in DHCD’s [letter](#) to municipalities.

- 1. Community Categories:** The final guidelines eliminate “bus service” and categorize communities as either rapid transit, commuter rail, adjacent, or adjacent small town.
- 2. Small and Rural Town Adjustments:** The final guidelines remove the minimum land requirement and lower the multi-family unit capacity requirement for small or sparsely populated communities. The draft guidelines had required districts to comprise at least 50 acres and a sufficient number of housing units. Now communities with populations under 7,000 or less than 500 residents per square mile need only dedicate 5% of total housing units to multi-family housing units, whereas the draft guidelines had required at least 10%.
- 3. Reasonable Size Criteria:** The final guidelines prevent multi-family unit capacity from exceeding 25% of a community’s existing housing stock or the minimum land from rising above 1.5% of a community’s total developable area.
- 4. Tailored District Location Requirements:** Whereas the draft guidelines required a certain portion of the multi-family zoning district to be located within a half mile of a transit station, the final guidelines base the required

portion on the number of developable acres a community has close to a transit station.

5. **Multi-family Unit Capacity Tool:** Starting in the fall, DHCD will supply a compliance model workbook tool to aid each city or town in calculating a zoning district's multi-family unit capacity and gross density.

Additionally, the final guidelines make various technical changes to requirements, definitions, and specifications. Most useful to cities and towns may also be the newly added chart listing each MBTA Community with its category, number of housing units, minimum multi-family unit capacity, minimum land area, developable station area, and percentage of district to be located in a station area.

A copy of the final guidelines is available [here](#), and further explanation from DHCD is available [here](#).